

Application No.: 10/776,763

Final Office Action Dated: March 2, 2006

Amendment After Final and Supplemental Response Dated: March 29, 2006

REMARKS

This Amendment and Supplemental Response to Office Action is submitted in reply to the Final Office Action, dated November 4, 2005 (Final Office Action), in which the Examiner:

rejected claims 1, 3-9, 12-14, 17-20 and 22-25 under 35 U.S.C. § 102(e) as anticipated by U.S. Patent No. 6,738,044 to Holzrichter et al.;

indicated claims 2, 10, 11, 15, 16 and 21 would be allowable if rewritten in independent form.

Claims 1-25 are currently pending. Claims 1, 19 and 25 are independent claims.

In the Office Action Response, dated February 6, 2006 (previous Response), the Applicants previously:

1) argued the outstanding Office Action was not properly made Final, as it did not address Applicants' arguments regarding the patentability of the pending claims; and

2) reiterated and amplified the arguments distinguishing Applicants' claims from the cited art (Holzrichter).

In an Advisory Action dated February 22, 2006, the Examiner included a rebuttal of Applicants' arguments made in the previous Response, but did not withdraw the finality of the Office Action.

In a Telephone Interview with the Examiner, dated February 27, 2006, Agent for Applicants discussed with the Examiner the points made in the previous Response. The Examiner appeared to recognize that the outstanding Office Action did not address all of Applicants arguments.

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In discussing those arguments, the Examiner indicated that while Holzrichter disclosed using pulses to measure distance, Holzrichter did not show or disclose using the pulse transit-time to determine the distance. However, the Examiner felt that the pending claims did not clearly recite that the distance measurement was based on pulse transit time, and suggested that amending each of the independent claims to that effect.

In compliance with the Examiner's suggestion, the current Amendment amends independent claims 1, 19 and 25 to clearly recite, in each instance, that the claimed distance measurement method or apparatus, is "based on pulse transit time." As the Examiner's response to Applicants' arguments was not fully known to Applicants until after the issuance of the Advisory Action, Applicants could not have presented this Amendment and Supplemental Response earlier. Accordingly, Applicants respectfully submit that this Amendment complies with 37 C.F.P. § 1.116(b)(3).

As the current Amendment clearly distinguishes Applicants' claims from Holzrichter, Applicants respectfully request that the rejection of claims 1, 3-9, 12-14, 17-20 and 22-25 under 35 U.S.C. § 102(e) as anticipated by Holzrichter be withdrawn, and claims 1-25 passed to issue.

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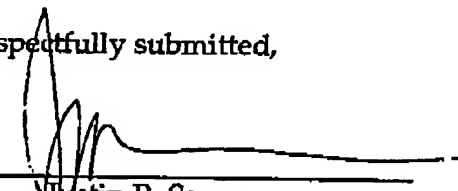
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Based on the circumstances described above, Applicants believe that no fees are due in connection with this Response. If any fees are deemed necessary, authorization is hereby granted to charge them to Deposit Account No. 13-0235, particularly any fees for extensions of time.

Respectfully submitted,

By


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